

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

2 MARK L. KROTOSKI (CSBN 138549)  
3 Chief, Criminal Division

4 ERIKA R. FRICK (CSBN 208150)  
5 Assistant United States Attorney

6 450 Golden Gate Avenue, Box 36055  
7 San Francisco, CA 94102  
Telephone: (415) 436-6973  
Facsimile: (415) 436-7234  
Email: erika.frick@usdoj.gov

8 Attorneys for Plaintiff

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 06-815 SI  
14 Plaintiff, ) [PROPOSED] ORDER AND STIPULATION  
15 v. ) EXCLUDING TIME FROM JANUARY 12,  
16 DENY SORTO-FUENTES, ) 2007 TO FEBRUARY 16, 2007 FROM THE  
17 Defendant. ) SPEEDY TRIAL ACT CALCULATION  
18 \_\_\_\_\_ ) (18 U.S.C. § 3161(h)(1)(G) & (h)(8)(A))

19 The parties appeared before the Court on January 12, 2007. With the agreement of the  
20 parties, and with the consent of the defendant, the Court enters this order (1) scheduling a change  
21 of plea date to February 16, 2007, before the Honorable Susan Illston; and (2) documenting the  
22 exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(G) & (h)(8)(A), from  
23 January 12, 2007 to February 16, 2007. The parties agreed, and the Court found and held, as  
24 follows:

25 1. The parties agreed to an exclusion of time under the Speedy Trial Act. Failure to  
26 grant the requested continuance would unreasonably deny both government and defense counsel  
27 reasonable time necessary for effective plea negotiations. The exclusion of time is also justified  
28

because both the government and defendant are awaiting the transfer of defendant's supervision and supervised release violation from the Southern District of Texas.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from January 12, 2007 to February 16, 2007, outweigh the best interest of the public and the defendant in a speedy trial. *Id.* § 3161(h)(1)(G) & (h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from January 12, 2007 to February 16, 2007 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(1)(G), (h)(8)(A), & (B)(iv).

4. The Court scheduled a change of plea hearing or status on February 16, 2007, at 11:00 a.m.

## IT IS SO STIPULATED.

DATED:

/S/  
ERIKA R. FRICK  
Assistant United States Attorney

DATED:

/S/  
BARRY S. PORTMAN  
Attorney for Deny Sorto-Fuentes

**IT IS SO ORDERED.**

DATED:

*Susan Illston*  
THE HON. SUSAN ILLSTON  
United States District Judge